

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KAELI GARNER, *et al.*,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware
Corporation, and AMAZON.COM SERVICES
LLC, a Delaware Limited Liability Company,

Defendants.

) Case No. 2:21-cv-00750-RSL

) **PLAINTIFFS' MOTION FOR LEAVE TO**
) **FILE AN OPPOSITION TO**
) **DEFENDANTS' MOTION PURSUANT**
) **TO LOCAL RULE 7(F) FOR LEAVE TO**
) **FILE AN OVER-LENGTH MOTION FOR**
) **SUMMARY JUDGMENT**

) NOTE ON MOTION CALENDAR:

) July 30, 2024

PLAINTIFFS' MOTION FOR LEAVE TO FILE AN
OPPOSITION TO DEFENDANTS' MOTION
PURSUANT TO LOCAL RULE 7(F) FOR LEAVE
TO FILE AN OVER-LENGTH MOTION FOR
SUMMARY JUDGMENT

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(206) 622-2000

1 Plaintiffs respectfully move the Court to request an opportunity to oppose Defendants’
2 Motion for Leave to File an Over-length Motion For Summary Judgment filed on July 29, 2024
3 (“Defendants’ Motion”). *See* ECF No. 270.

4 Under the Local Rules of the United States District Court for the Western District of
5 Washington (“Local Rules”), Defendants are entitled to file a summary judgment motion
6 containing up to 8,400 words (or twenty-four pages) and a reply brief containing up to 4,200
7 words (or twelve pages). Local Rules W.D. Wash. LCR 7(e)(3). Defendants now request
8 42,000 words (120 pages) for their opening summary judgment motion—five times the amount
9 provided by the Local Rules. *See id.*

10 Plaintiffs respectfully request an opportunity to explain why they oppose Defendants’
11 excessive request, which contemplates over 300 pages of briefing (not to mention whatever
12 voluminous exhibits Defendants intend to rely on) on issues that directly overlap with the issues
13 before the Court on Plaintiffs’ Motion for Class Certification. Regarding the opposition,
14 Plaintiffs respectfully request leave to file a two-page opposition within three days should the
15 Court grant Plaintiffs’ request. More specifically, putting aside that Defendants’ Motion lacks
16 any detail and makes only conclusory statements supporting the need to file a 120-page motion,
17 Defendants seek to raise arguments that will likely be duplicative of Defendants’ challenges to
18 typicality and adequacy forthcoming in their opposition to Plaintiffs’ Motion for Class
19 Certification, which Plaintiffs will explain should occur first. *See, e.g., Centeno v. Quigley*, 2015
20 WL 432537, at *3 (W.D. Wash. Feb. 2, 2015) (noting that, under the one-way intervention rule,
21 a “summary judgment motion is premature prior to class certification”). Moreover, if
22 Defendants file a summary judgment motion before Plaintiffs’ Motion for Class Certification is
23 decided, Defendants will likely request a later opportunity to file an additional motion for
24 summary judgment resulting in further waste of judicial resources.

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1 Plaintiffs also write to request a status conference. There are several open issues that will
2 impact the pending and forthcoming motions in this case. First, the Court is currently reviewing
3 a sampling of Defendants' clawed-back documents. *See* ECF No. 269. Second, the Court also
4 recently allowed Plaintiffs' expert, Dr. Serge Egelman, to review Defendants' "HIGHLY
5 CONFIDENTIAL – ATTORNEYS' EYES ONLY" documents. *See* ECF No. 263. Dr. Egelman
6 may submit a supplemental report in further support of Plaintiffs' Motion for Class Certification.
7 *See id.* Finally, the outcomes of these matters, as well as the outcome of Plaintiffs' Motion for
8 Class Certification, may narrow the issues that the parties may consider in any motions for
9 summary judgment.

10 For the reasons stated above, Plaintiffs respectfully request that the Court allow Plaintiffs
11 to file an opposition to Defendants' Motion and that the Court set a status conference.

12
13 DATED: July 30, 2024

Respectfully submitted,

14 /s/ Bradley S. Keller

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1 **LOCAL RULE 7(e)(6) CERTIFICATION**

2 I certify that this memorandum contains 449 words, in compliance with the Local Civil
3 Rule 7(e)(4).

4 Dated: July 30, 2024

5 By: /s/ Bradley S. Keller
6 Bradley S. Keller
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